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August 21, 2023

VIA ECF

The Honorable Judge Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

Re: *Mbaye et al v. RCI Hospitality Holdings, Inc. et al*
Case No. 1:23-cv-02967(VSB)

Dear Judge Broderick:

We represent Defendants RCI Hospitality Holdings, Inc., Peregrine Enterprises Inc., RCI 33rd Ventures, Inc., 48 West 33rd Street Corp., RCI Dining Services (37th Street), Inc., Eric Langan, and Kes Senevi (collectively “Defendants”) in the above-captioned matter. We respectfully write to request an adjournment of the deadline to respond to the Complaint from August 23, 2023 until fourteen (14) days from the Court’s decision regarding Plaintiffs’ motion for leave to file an amended Complaint or Plaintiffs’ filing of the amended Complaint, whichever comes later.

The foregoing extension is requested because Plaintiffs filed a motion for a preliminary injunction and leave to file an amended Complaint on August 10, 2023. Depending on the outcome of Plaintiffs’ motion, Defendants may have to respond to the amended Complaint rather than the current operative Complaint and therefore any response to the current operative Complaint could be rendered futile. This is Defendants’ second request for an extension of time to respond to the Complaint. The first request was granted on July 21, 2023. No other deadlines will be affected by this request. Plaintiffs’ counsel consents to this request extension.

Thank you for your consideration.

Respectfully Submitted,

/s/ Jeffrey A. Kimmel
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Partner
For the Firm

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cc: Plaintiffs’ attorney (via ECF)